

REMARKS

Claims 1-13 and 20-28 are pending in the application. Claims 1-13 and 20-28 have been amended herein to better describe the invention. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

On or about December 21, 2005, the Examiner and the below-designated representative engaged in a telephonic interview. The 35 U.S.C. §112, second paragraph rejection was discussed (and specifically, how to describe the kaolin of the invention). Although no formal resolution was reached, the Examiner's helpful and courteous remarks were appreciated.

I. The Amendments

Generally speaking, the claims have been amended to better describe the kaolin that is the subject of the invention. Consistent with the claims as originally filed, the claims function to disclaim kaolin that is not obtained from China, such as kaolin mined in the U.S.A.

II. The Enablement Rejection

Claims 1-13 and 20-28 have been rejected under 35 U.S.C. §112, first paragraph, for enablement reasons with regard to Chinese kaolin. The claims have been amended, in part to their original form, to describe the kaolin that is the subject of the invention. More particularly, the invention relates to Chinese kaolin, which the specification at page 4, line 2, makes clear is kaolin obtained from the country of China. The independent claims have been additionally amended to highlight the physical-chemical differences between Chinese kaolin and Georgia (U.S.A.) kaolin. For example, Chinese kaolin has a higher carbon content, a lower iron oxide content, and a higher propensity to release alumina upon heating compared to Georgia (U.S.A.) kaolin. These differences affect the properties of processed Chinese/Georgia kaolin. Based on the disclosure of the

specification, one skilled in the art is enabled to make and use Chinese kaolin of the claims.

III. The Adequate Description Rejection

Claims 23-28 have been rejected under 35 U.S.C. §112, first paragraph, for lacking adequate description with regard to a high propensity for releasing alumina upon heating. Language has been added to the claims that clearly indicate that the physical-chemical properties of Chinese kaolin are compared to the properties of Middle Georgia (U.S.A.) kaolin. The specification defines the relative terms in a manner in which they can be understood: by comparing properties to a known substance. Since Middle Georgia kaolin is known in the art, one skilled in the art would readily understand that the inventors possessed the invention at the time of the invention.

IV. The Indefiniteness Rejection

Claims 10 and 23-28 have been rejected under 35 U.S.C. §112, second paragraph, with regard to the terms at least and high/higher. Claim 10 has been amended to correct a typographical error. With regard to the terms high/higher and low/lower, the claims have been amended to provide a known substance to which the materials of the claims can be compared to. One skilled in the art could readily perform such a comparison, and as a result, the claims are clear and understandable to one skilled in the art because the metes and bounds of the claims can be readily determined once both materials (Chinese kaolin and Georgia kaolin) are procured.

V. Obviousness Rejection over Mixon

Claims 1-9, 11-13, and 23-28 are rejected under 35 U.S.C. §103(a) over Mixon (U.S. Patent 4,246,039). Mixon relates to high brightness calcined kaolin involving forming a slurry of kaolin, spray drying the kaolin, pulverizing the kaolin, calcining the kaolin, then pulverizing the kaolin again. The starting material is a gray Georgian crude (see Col. 5, line 10).

There are at least two key differences between Mixon and the claims. The first difference is starting material and the second difference is multiple pulverizations before/after calcining. The claims clearly specify that the kaolin subjected to the invention is Chinese kaolin. This kaolin is different and distinct from Georgian kaolin. One skilled in the art would readily understand the differences between Chinese kaolin and Georgian kaolin. Due to the differences between Chinese kaolin and Georgian kaolin, Chinese kaolin and Georgian kaolin are NOT interchangeable. Moreover, Mixon fails to mention any Chinese kaolin. The claimed process is specifically designed to process Chinese kaolin. Therefore, one skilled in the art would not have been motivated by Mixon to practice the claimed method.

Mixon teaches pulverizing twice AFTER calcining in order to obtain a desired size of finished product. However, the claims specify multiple pulverizations BEFORE calcining to expose and/or release carbon, which is then consumed during calcining. This is important because Chinese kaolin has a higher carbon content than Georgian kaolin. The disclosure of Mixon would not have motivated one skilled in the art to employ multiple pulverizations of kaolin BEFORE calcining to expose and/or release carbon.

Due to the extensive differences between Mixon and the claims, and due to the fact that Mixon fails to teach or suggest all of the features of the claims, Mixon CANNOT render the claims obvious.

VI. Obviousness Rejection over Mixon/Maxwell

Claim 10 is rejected under 35 U.S.C. §103(a) over Mixon in view of Maxwell (U.S. Patent 6,238,473). Maxwell relates to pulverizing a calcined clay to lower the bulk density. Maxwell thus does not cure the deficiencies of Mixon.

Maxwell teaches pulverizing a calcined clay; that is, pulverizing a clay AFTER heat treatment. The claims specify multiple pulverizations BEFORE calcining. Moreover, the purpose of the pulverization of Maxwell is to lower the bulk density while the purpose of the claims is to expose and/or release carbon from the kaolin. Therefore, one skilled would not have been motivated to employ multiple pulverizations of kaolin BEFORE calcining to expose and/or release

carbon. It is noted that Maxwell fails to recognize the existence of Chinese kaolin. Since both Mixon and Maxwell fail to teach or suggest all of the features of the claims (the identity of the kaolin as well as the timing of multiple pulverizations), Mixon and Maxwell CANNOT render claim 10 obvious.

VII. Novelty-Obviousness Rejection over Hen

Claims 20-22 are rejected under 35 U.S.C. § 102(b)/103(a) over Hen (U.S. Patent 6,136,086). Hen relates to low sheen calcined kaolin. Hen does not disclose, teach, or suggest employing multiple pulverizations of kaolin BEFORE calcining. Hen does not recognize the existence of Chinese kaolin, nor teach or suggest using Chinese kaolin as a starting material.

Due to the unique properties of Chinese kaolin, such as the Chinese kaolin having a higher carbon content, a lower iron oxide content, and a higher propensity to release alumina upon heating compared to Middle Georgia (U.S.A.) kaolin, the finished product of claims 20-22 is inherently different from the kaolin described by Hen. These differences are captured by the oil absorption test required by claim 20. Hen fails to describe kaolin achieving the oil absorption test results required by claim 20. Since Hen does not disclose each and every feature of claim 20, Hen cannot anticipate claims 20-22.

Moreover, due to the lack of multiple pulverizations of kaolin BEFORE calcining in Hen, the method of processing kaolin described by Hen is clearly different from the method of processing Chinese kaolin required by claim 1 (to which claim 20 is dependent). Since the methods of Hen and the claims are different, one skilled in the art would not have been motivated by Hen to provide the processed Chinese kaolin of claim 20.

For at least these two reasons, Hen cannot anticipate nor render obvious claims 20-22.

VIII. Conclusion

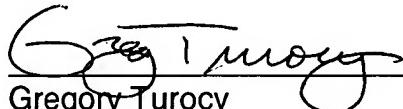
The present application is believed to be condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly

solicited. In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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